



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 326

Hearing Date: February 28, 2005

Committee On: Education

Introducer(s): (Raikes)

Title: Change average daily membership requirements for freeholders' petitions

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

| | | |
|---|---------------------|--------------------------------------------------------------|
| 6 | Yes | Senators Bourne, Byars, Howard, Kopplin, Raikes, and Schrock |
| 2 | No | Senators McDonald and Stuhr |
| 0 | Present, not voting | |
| 0 | Absent | |

Proponents:

Senator Ron Raikes
Clint Hohndorf
Don Carley

Representing:

Introducer
Self
Self

Opponents:

Curtis Cogswell
Gary Novak
Larry Wilbeck
Grant Fisher
Don Pieper
Jay Keefauver
Paul Underwood
Ken Mahlin
Jim Green
Michelle Green
Michael R. Montgomery
Gene Burton
Dan Potter
Jack Moles
James Havelka

Representing:

McCool Junction Public Schools
Rising City Public Schools
Deshler Public Schools
Self
Self
Self
McCool School Public Relations / Self
Giltner Public Schools
Self
Self
Southeast Nebraska Consolidated
Prague Public Schools
Rising City Public Schools
Nemaha Valley Schools
North Bend Central Public Schools / Nebraska
Rural Community Schools Association

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 326 would amend § 79-458 by restricting the student count to resident students for purposes of determining eligibility for freeholding. Section 79-458 allows land to be transferred to a contiguous school district, commonly known as freeholding, if:

1. The Class II or III district where the land is currently located has had an average daily membership in grades 9-12 of less than 60 students for the 2 consecutive school fiscal years immediately preceding the filing of the petition;
2. The district has voted to exceed the maximum levy and the vote is effective for the school fiscal year in which the petition is filed or for the following school fiscal year; and
3. The high school is within 15 miles on a maintained public highway or maintained public road of another high school.

The average daily membership of resident students in grades 9-12 would be calculated by subtracting the following from the average daily membership for those grades:

1. The number of option students who are included in the average daily membership for such grades;
2. The number of students educated by the district pursuant to a contract with another district, individual, nonpublic entity or state who are included in the average daily membership for those grades; and
3. The number of foreign exchange students who are included in the average daily membership for those grades.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson